

Hearing outcome for PC Paul Hefford

28th – 29th June and 01st July 2022

Allegations

1. PC JEER, PC HEFFORD and former PC HAMMOND, between December 2017 and December 2018, were part of a WhatsApp messaging group titled “But they promised” and which was used to exchange messages, memes and other content which was inappropriate, highly offensive and discriminatory. The content was discriminatory on grounds of sex, race, religion, sexual orientation and disability. – PROVEN at MISCONDUCT
2. PC JEER, PC HEFFORD and former PC HAMMOND, between December 2017 and December 2018, failed to challenge and/or report the other members of the said WhatsApp messaging group after receiving messages, memes and other content from them which was inappropriate, highly offensive and discriminatory. - WITHDRAWN

Background

Police Constable Paul Hefford (PC Hefford) faces allegations relating to him being a member of a WhatsApp group together with fellow serving police officers based at Bethnal Green Police Station. The subject matter of postings on the group were frequently of a racist, sexist, Islamophobic and ableist nature. PC Hefford is brought before the Misconduct Panel both as a result of racist and discriminatory postings made by him and his failure to challenge or report the actions of the other members of the group.

PC Hefford joined the Metropolitan Police Service in 2007 and completed his probation in 2009. PC Hefford is jointly charged in this matter. One of the other respondents, former PC Hammond, was investigated in a separate investigation focussed on criminal allegations by DS XXX, Investigating Officer. Following a forensic download and review of PC Hammond’s mobile telephone in connection to the criminal investigation, pictures were found in the image gallery which were highly discriminatory and offensive, and were discovered to be linked to the WhatsApp group chat entitled, “But they promised”.

The above investigation led in turn to a separate investigation into the content of the “But they Promised” group led by PC XXX.

The group was created in December 2017 and was active between January 2018 and December 2018. The members of the group were all part of a proactive unit at Bethnal Green Police Station between April 2015 and January 2016.

The chat log was reviewed in full. It was determined that PC Hefford was the 2nd most frequently contributing poster of inappropriate and discriminatory content. None of the respondents challenged any of the others with regards to the content being posted.

It is important to set out a flavour of the content being posted. This includes the following:

An image is of a golly in a red polka dot dress and is entitled “a sneak preview at Megan’s wedding dress” followed by LOL emojis.

An image of a parrot on a Muslim man’s shoulder with the question being asked, where did you get that from? The response recorded from the parrot is...”Bradford, there’s fucking thousands of ‘em”.

An image of Family Fortunes where the question posed is, “We asked 100 normal people what do you associate with Islam and the responses being recorded as; 1. Terrorism 2. Paedophilia 3. Hate preaching 4. Unwelcome invaders 5. Excessive breeders 6. Goat/camel fuckers.

An image of a nun next to a Muslim woman in a hejab with the question posed, why is the first one not judged but the second one offends? to which the response posted is, “nuns don’t randomly explode”.

Two white girls lying next to their black partners on a beach entitled “Girls Trip to Jamaica”. It is captioned, one came back pregnant, the other came back with syphilis. (Just kidding, both are still missing).

Photo of a man decorating a room, captioned “everyone is so politically correct these days you can’t even say black paint. You have to say Tyrone can you please paint that wall”.

Picture of a nativity scene captioned; your girl gets pregnant but you never hit. Says she a virgin. When the baby’s born 3 niggas show up out of nowhere with bottles of murr and shit. What do you do?

An image a man with a disability next to a Tyrannosaurus rex.

A picture of a white dog with a KKK hat on next to a black dog with a rope around its’ neck.

A picture of a black child’s face superimposed onto a body holding a huge penis with a caption on the sweatshirt “The coolest monkey in the jungle”.

The same picture as above but with the face superimposed of a celebrity child with a disability.

A text conversation in respect of a female police officer, off duty who was threatened by 15-year-old youths of having acid thrown in her face, to which PC Hammond responds, “black kid leading those poor white kids astray”.

Image entitled Breaking News from Tower Hamlets Election, followed by a paragraph in Arabic and then stating, “if I hear anything else I’ll let you know”.

As well as the above memes and texts there were a number of video clips.

One of these involved an exercise program in which it was indicated that the exercise was prevaricated by a black man chasing a white woman along the street.

Another video showed a man with dwarfism jumping into the sea with the sound mimicking a small splash.

It is uncontroversial that the content of the above postings was highly offensive and explicitly racist, sexist, Islamophobic and/or ableist.

From an analysis of the chat log it was determined that PC Hefford had contributed the second most with regards to inappropriate and discriminatory content. Of the postings referred to above, he was responsible for the “Girls Trip to Jamaica” posting and re-post of the “Coolest monkey in the jungle” with the superimposed celebrity child face which was considered by the panel to be particularly offensive.

The postings in the group were prolonged and covered the period December 2017 until December 2018.

It is PC Hefford’s evidence that at a social gathering in December 2018, the female member of the group, DC XXX queried the appropriateness of the content being posted on the group and at this juncture postings ceased.

PC Hefford, in his evidence, indicated that he was never overtly racist or discriminatory to anyone. He had played an active role in an operation in respect of thefts carried out whilst on mopeds/scooters for which he received a commendation. He had been supportive to PC Jeer in respect of his family and personal problems. He did not intend or wish to cause offence by any of his postings which were within a close/closed group. He would receive many messages and would repost those that he found mildly amusing. Some of the posts were in respect of Asians and would be considered “banter” between him and PC Jeer and other colleagues. He had never had a complaint made against him in respect of racism or being discriminatory. He sought to claim that the “Girls Trip to Jamaica” posting was made in order to advise people of the dangers of venturing downtown in a city in Jamaica. He did not express genuine remorse before the panel and was quite challenging in respect of the manner in which he answered questions to Mr Misra.

PC Hefford submitted a number of positive references and testimonials in support of his case.

PC Hefford admitted the facts of the case. He admitted misconduct but denied gross misconduct.

[Findings on Gross Misconduct/Misconduct](#)

The Panel reminded itself that Regulation 2(1) of the 2020 Regulations defines Misconduct as being “a breach of the standards of professional behaviour that is so serious as to justify disciplinary action” whilst Gross Misconduct is defined as “a breach of the standards of professional behaviour that is so serious as to justify dismissal.”

We further reminded ourselves that the purpose of the police misconduct regime is to: maintain public confidence in and the reputation of the police service; uphold high standards in policing and deter misconduct; and to protect the public.

The panel noted the definition of misconduct set out in the case of **Nandi v General Medical Council [2004] EWHC 2317 (Admin)** as conduct that would be regarded as deplorable by fellow members of the respondent's profession.

Mr Shaw sought to argue that the above definition was not relevant in respect of the field of police regulation. The panel sought to differ. The definition is widely accepted and applicable to all fields of regulatory law.

The panel were taken to the Police (Conduct) Regulations 2020 (Regulations) and the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. It was argued that PC Hefford's conduct was not of the most serious nature because he had not directly discriminated against any individuals. The panel consider that the College of Policing guidance is just that. It provides guidelines and not tramlines. The panel considered that the nature of the racist and sexist postings are very serious in nature and must be treated as such.

The panel noted that PC Hefford sought to claim that the "Girls Trip to Jamaica" posting was not racist and was merely seeking to warn people of the dangers of going to a downtown city in Jamaica due to crime and the prevalence of gangs. However, the content of the posting also made reference to catching an STD and getting pregnant as well as of both girls going missing. The posting was clearly racist and discriminatory in nature and the panel found PC Hefford's attempts to deny this fact and minimise his actions to be indicative of the fact that he is totally lacking in insight. The panel found that PC Hefford lacked contrition and remorse. The panel found that he was responsible for one of the most offensive postings which was within the group.

The panel were unconvinced by arguments seeking to diminish the effect of the postings as it was within a closed group. The panel considered that the views being expressed were indicative of the fact that the person posting them was highly likely to at least have unconscious bias. Furthermore, the effect of the postings once known, would have serious reputational harm on the officer and the Metropolitan Police Service as a whole. The panel considered the likely view the public would feel about being policed by officers with attitudes depicted in the relevant postings.

Having regard to the four stage test to be applied, in respect of culpability, the panel finds that PC Hefford's actions and conduct were not as a result of a lack of thought or consideration. It was considered that he would have always known and been aware that such postings both made by him and others were out and out racist/ableist and sexist. The panel were unconvinced by the argument that they would be viewed differently a mere 4-5 years ago. Particularly within the environment of the Metropolitan Police Service knowledge concerning equality and diversity and the necessity of avoiding engaging in any behaviour which could bring discredit to him or to the police Service have been enforced for many years. The panel considers that the extreme and offensive postings made by PC Hefford over an extensive period of time are not at the lower end of the scale of the breach of standards and are of a type that must be regarded as extremely serious in nature.

In respect of harm, PC Hefford was mocking and being discriminatory and racist to many sectors of society that he and the Metropolitan Police Service were responsible for policing. He was attached to Bethnal Green Police Station. The population covered is extremely diverse and ethnically mixed. There are highly offensive racist postings in respect of black people. Whilst the panel accepts that there has been no direct harm, the reputational harm on the Metropolitan Police Service is considered to be significant, widespread and extremely damaging.

In respect of aggravating features, the panel notes the nature of offensive postings by PC Hefford over an extended period of time and his failure to challenge or report the postings of others. The panel is not persuaded by an argument that PC Hefford stopped posting after a mirror was held up to him and others by DC XXX in December 2018 as it is considered that PC Hefford should have been aware from the outset that it was never acceptable for him to be making such postings. The evidence that it had never crossed PC Hefford's mind that his postings might be offensive during the whole of that time was considered to be a significant concern. PC Hefford was not considered to be operating "in a bubble" within the Metropolitan Police Service. The manner in which PC Hefford gave his evidence before the panel was considered to be a further aggravating feature of this case. This included his attempt to claim that one of his posts was not racist or discriminatory and the fact that he displayed no insight or remorse and challenged rightfully asked questions put to him by Mr Misra. He displayed no contrition.

In respect of mitigation, the panel acknowledged the PC Hefford has put forward a number of positive references and testimonials indicating that he has never acted in a discriminatory manner. The panel acknowledge that there has been no subsequent offending by PC Hefford. He had been a good police officer and received a commendation. The panel did not consider the delay between the offences being carried out and the matter coming before them to have significant effect.

In the light of the totality of the evidence before them, the panel concluded that the highly offensive postings made by PC Hefford which were discriminatory in nature were serious in nature. They were in breach of Regulation 5 of the 2020 regulations listing the standards of professional behaviour to be adhered to and including:

- a. Equality and diversity
 - i. Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.
- b. Discreditable Conduct
 - i. Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.
- c. Challenging and reporting improper conduct

- i. Police officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.

The panel finds that the allegations found proved in respect of allegation 1 amount to gross misconduct and fall seriously short of the standards expected of an officer of the Metropolitan Police Service.

The panel finds that the allegations found proved in respect of allegation 2 to amount to misconduct.

Finding on outcome, including any aggravating or mitigating factors affecting the seriousness of the failures in standards

Having come to the view that the officer's conduct amounted to Gross Misconduct, the Panel went on to determine the appropriate outcome.

The Panel applied the principles set out in *R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2018] 11 WL UK 822 and *R (on the application of Chief Constable West Midlands Police) v Panel Chair, Police Misconduct Panel v Officer "A" – Interested Party* [2020] EWHC 1400 (Admin) which emphasise the importance of following the structured approach as set out in the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings.

In summary, the Panel:

- (i) Assessed the seriousness of the conduct and behaviour of the officer
- (ii) Reminded itself of the purpose of imposing sanctions, namely:
 - Maintaining public confidence in and the reputation of the police service;
 - Upholding high standards in policing and deterring misconduct; and
 - Protecting the public.
- (iii) Arrived at an Outcome which most appropriately fulfilled the purpose of imposing sanctions in the light of the seriousness of the officer's conduct.

In assessing the seriousness of the officer's behaviour, the Panel considered the following factors in line with the guidance in the CoP Guidance on Outcomes:

- The culpability borne by the officer for his actions
- The harm caused by the officer's actions

- The existence of any aggravating factors
- The existence of any mitigating factors

The panel heard submissions from Mr Misra on behalf of the Appropriate Authority who indicated that in the light of the seriousness of the allegations found proved that dismissal was the only appropriate sanction. The panel heard submissions from Mr Shaw who indicated that there were factors in relation to PC Hefford's case meaning that dismissal was not the appropriate outcome. He referred to the fact that the postings were in a closed group and that society's attitude to postings in these circumstances have changed; PC Hefford had ceased activity before disciplinary action commenced. He was an otherwise good officer with a public interest in keeping him in that role. Positive references and testimonials had been submitted.

The panel were taken to matters of personal mitigation. However, whilst the panel has afforded some weight to his personal circumstances, we have given proper emphasis to the strong public interest in the maintenance of public confidence in reaching our conclusion on sanction. We were also mindful of the declaratory purpose of maintaining high professional standards and for prevention and protection purposes.

The panel have fully considered the above factors in respect of the decision made relating to misconduct above. The panel concluded that PC Hefford was highly culpable for his actions which were deliberate and over a period of time. The reputational harm to the police service is considered to be significant and extremely serious. The aggravating and mitigating factors have been considered above.

The panel had the CoP guidance in respect of outcome in mind. It noted that discrimination was addressed distinctly and in detail. The issues which are prevalent in this case in respect of damage caused to the reputation of the Metropolitan Police Service are set out in detail. The panel were highly aware of the effects of the corrosive and discriminatory postings made by PC Hefford in this case. The panel found that they were not as claimed, "a handful" but to the contrary were significant in number and over an extensive period of time. Whilst it was accepted that the postings were in a closed group at the time, that is no longer the case. The panel were mindful of the likely attitude of the public to officers and in particular PC Hefford holding such views and opinions in private whilst responsible for policing them. We took into account paragraph 4.60 of CoP Guidance which states that *"how such behaviour would be or has been perceived by the public will be relevant whether or not the behaviour was known about at the time."* The panel considered that at the time and even more so today, these actions cause serious harm to public confidence and trust in the police service. It was considered that they caused high level harm.

The panel considered the outcomes available to it in ascending order of severity. The panel were mindful that outcomes are not designed to punish and must be proportionate.

The panel considers that a final written warning would not be appropriate in this case. The panel considered that PC Hefford's postings were over a period of time, were corrosive and highly discriminatory to various sections of the public including the community in which PC Hefford was operating and that PC Hefford was found to be lacking in insight and remorse by the panel were taken as being extremely significant negative factors. It was considered that PC Hefford should always have been aware that it was inappropriate for him to be acting in the manner that he did. It is considered that his actions and behaviour would cause significant damage to the standing of the Metropolitan police service in the eyes of the local community and wider public. In the CoP guidance, it is noted that discrimination towards persons on the basis of any protected characteristics is never acceptable and is always serious. This consideration is regarded by the panel to be even more applicable in the current climate.

For the above reasons, the panel finding that PC Hefford's postings being abhorrent and discriminatory and far-reaching in respect of reputational damage to the police service and confidence of the public in it and officers representing it, the panel conclude that the only appropriate outcome in this case is that of dismissal without notice.